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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,466	12/21/2001	Roger Bradshaw Quincy III	KCC-17,458	5169

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,466

Applicant(s)

QUINCY, ROGER BRADSHAW

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 12.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The finality of the action is withdrawn because the rejection under 35 U.S.C. 103(a) is improper, as it relied upon U.S. Patent Application Publication US2002/0077612, which does not meet the requirements of 35 U.S.C. 102(e).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley et al. (6,548,054) in view of Jordan et al. (4,842,593).

Worley discloses all aspects of the claimed invention with the exception of a nonwoven web. Worley discloses a halogenated polystyrene hydantoin including a plurality of repeating units and halogen atoms chemically linked to the repeating units, as described in column 4, lines 34-55. Each of the repeating units includes an amide nitrogen atom and an imide nitrogen atom, as shown in the structure disclosed in column 4. Worley discloses at least one of the amide and imide nitrogen atoms are chemically linked to a halogen atom, and that one of the amide and imide nitrogen atoms may be bonded to a hydrogen atom. Worley therefore discloses an embodiment

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in which all, or 100%, of the halogen atoms are chemically linked to the amide nitrogen atoms, and all of the imide nitrogen atoms are linked to hydrogen atoms. Worley discloses in column 1, lines 62-65, the halogenated polystyrene hydantoin is useful in diapers, sanitary napkins, and bandages. The halogenated polystyrene hydantoin is mixed with absorbent material, as disclosed in column 2, lines 15-17.

Jordan discloses a diaper, as shown in figure 1, comprising an absorbent core that is formed from a nonwoven web. The nonwoven web comprises an antibacterial compound to control odors in the diaper, as disclosed in column 10, lines 15-26.

It would therefore be obvious to one of ordinary skill in the art at the time of invention for halogenated polystyrene hydantoin of Worley to be comprised in the absorbent core of a diaper, as taught by Jordan, to control odors in the diaper.

With respect to claims 2-7, 100% of the halogen atoms are chemically linked to the amide nitrogen atoms.

With respect to claim 8, Jordan discloses a nonwoven web comprising absorbent fibers, as described in column 5, lines 8-10.

With respect to claim 9, Jordan discloses a nonwoven web comprising superabsorbent material, as described in column 7, lines 17-19.

With respect to claim 10, Jordan discloses a nonwoven web comprising nonabsorbent fibers, as described in column 5, lines 13-16.

With respect to claims 11-12, a diaper is a personal care or medical absorbent article.

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With respect to claims 13-15, Jordan discloses the antibacterial compound comprises 0.02% to 2.0% of the nonwoven web, as described in column 12, lines 59-60.

With respect to claims 16-18, 100% of the halogen atoms are chemically linked to the amide nitrogen atoms.

With respect to claim 19, Jordan discloses a nonwoven web comprising cellulose fibers, as described in column 5, lines 8-10.

With respect to claim 20, Jordan discloses a nonwoven web comprising superabsorbent material, as described in column 7, lines 17-19.

With respect to claims 21-22, a diaper is a personal care or medical absorbent article.

With respect to claim 23, Jordan discloses the antibacterial compound may be comprised in the topsheet, as described in column 13, lines 4-10, which is a non-retentive nonwoven web, as described in column 4, lines 26-34.

With respect to claims 24-25, Jordan discloses the antibacterial compound comprises 0.02% to 2.0% of the nonwoven web, as described in column 12, lines 59-60.

With respect to claims 26-29, Jordan discloses the non-retentive nonwoven web is constructed by methods disclosed by , as described in column 4, lines 44-50.

With respect to claims 30-31, a diaper is a personal care or medical absorbent article.

Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley et al. (6,548,054) in view of Jordan et al. (4,842,593) as applied to claims 1, 13, and 23 above, and further in view of Beerse et al. (6,183,763).

Worley discloses all aspects of the claimed invention the exception of an industrial or food wipe. Worley discloses the applicability of the halogenated polystyrene hydantoin in sponges and fabrics (see Abstract).

Beerse discloses antimicrobial wipes comprising a hydantoin compound, as described in column 6, line 52, for use in food preparation and industrial settings, as described in column 1, lines 6-27 and 49-67. The wipes of Beerse provide a suitable means for eliminating bacteria on hard surfaces, as disclosed in column 1, lines 20-27.

It would therefore be obvious to one of ordinary skill in the art at the time of invention for the halogenated polystyrene hydantoin of Worley to be comprised in an antimicrobial wipe, as taught by Beerse, to utilize the halogenated polystyrene hydantoin as a cleanser for hard surfaces.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CWA

cla

26 February 2004

  
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